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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 088941/0174

Applicant: Kasuo TAKAGI

Title: ACCOMMODATION FRAME AND TRANSMISSION DEVICE OF DIFFERENT DATA TRAFFICS ON COMMON CARRIER WAVE

Serial No.: 09/712,225

Filed: November 15, 2000

Examiner: Unassigned

Art Unit: 2661

RECEIVED

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB08 is a list of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued December 10, 2003 with respect to a counterpart Japanese patent application is provided below.

"(Reason A)

Claims 1 to 10
Cited Literature 1 and 2

Remarks

Like the CPS header in AAL2 or the IP header, a configuration that includes in the header an identifier (CID in CPS;

TOS in IP) to indicate the channel or the quality, the data length, and the header error check (header checksum) is a well-known technology. (Refer to "3.2 AAL Type 2 Format and Protocol," and Fig. 5, etc. in Cited Literature 1; and to "3.13.2 IP Header Configuration," and Figure 3.30, etc. in Cited Literature 2.)

(In the current description of the claims, no frame header is described other than one configured from only a flow identifier, data length identifier, and HEC, and therefore, devices that include packets containing other elements, such as the aforementioned CPS packets and IP packets, are excluded. Moreover, even when looking at the specifications of the present application, it is not possible to grasp the effect based on the point that the frame header [*sic*: written twice on source] is configured only from a flow identifier, data length identifier, and HEC.

If characteristics are based on the point that the frame header is configured only from a flow identifier, data length identifier, and HEC, then, in addition to a correction to clarify this point in the Claims, an explanation should be given in the Written Opinion about the unique effect obtained from this configuration, as well as the basis for that effect.)

List of Cited Literature

1. Takenori Okutani, Tatsuo Ushiki: "ATM Technology for Low Speed Real Time Voice Communications - AAL Type 2 Standardization -" Journal of the Electronic Information Communications Society, Vol. 80, No. 10, October 25, 1997, pp. 1043-1049.
2. Takashi Takeshita, Hideki Arai, Yukio Karita: "Mastering TCP/IP Introductory Edition," Chapter 3.13, IP Header," Ohm Co., Ed. 1, June 24, 1994."

Applicant's statements regarding the Japanese Office Actions are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

February 12, 2004

Date



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